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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/493,530	01/28/2000	Duane J. Pontbriand	60.158-107	2373
26096	7590	02/05/2004	EXAMINER	
CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009			NOLAN, SANDRA M	
			ART UNIT	PAPER NUMBER
			1772	

DATE MAILED: 02/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

AS

<b>Advisory Action</b>	<b>Application No.</b> 09/493,530	<b>Applicant(s)</b> PONTBRIAND ET AL.	
	<b>Examiner</b> Sandra M. Nolan	<b>Art Unit</b> 1772	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 14 January 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: the 35 USC 103 rejection is deemed proper.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 29,30,37 and 38.

Claim(s) objected to: None.

Claim(s) rejected: 29,30,37 and 38.

Claim(s) withdrawn from consideration: None.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☒ Other: See the attachment and the for PTO 892.

**ATTACHMENT TO ADVISORY ACTION**

***Claims***

1. Claims 21-38 are pending.

***Allowable Subject Matter***

2. Claims 29-30 and 37-38 were previously allowed.

***Rejection Maintained***

3. The 35 USC 103 rejection of claims 21-28 and 31-36 as unpatentable over Hsich (US 5,972,450) in view of JP06329958A (abstract) and the Crea Nova publication ("VESTOSTINT for Coil Coating Systems"), as set out in section 7 of the 04 June 2003 office action, is maintained for reasons of record.

***Response to Arguments***

4. Applicant's arguments filed in the faxed response of 14 January 2004 have been fully considered but they are not persuasive.

On page 2 of the response applicant argues that there is no motivation to provide the polyamide particles of Crea Nova in an epoxy film as suggested by the Japanese abstract to form a layer on the tube 10 of Hsich. It is asserted that there is not n=motivation to combine because the polyamide particles were added to the inner layer 12 of Hsich, they would be covered by the outer layer 14, negating the benefits of the particles, because there is not reasons to provide low gloss, reduced dirt pickup or abrasion resistance in an inner layer.

However, the inner surface layer of Hsich is said to contain epoxies or polyamides (col. 3, lines 51 and 49, respectively), both of which have the chemical and liquid resistance needed in that layer (col. 3, lines 33-35).

Furthermore, Hsich teaches that its inner epoxy/polyamide-containing layer 12 is complementary to the outer layer 14 in that the inner layer provides protection from chemicals and corrosive liquids, while the outer one provides resistance to chipping and wear. It seems logical that the abrasion resistance provided by the Crea Nova polyamide particles would make them excellent candidates for inclusion since they would have the chemical resistance ascribed to polyamides by Hsich and the abrasion resistance (taught by Crea Nova) to bolster the abrasion resistance provided by Hsich's outer layer 14.

On page 2, applicant asserts that epoxy resins are very different from lacquers and cannot be substituted for each other.

However, applicant's assertion—with nothing more—is just an unsupported argument. If it epoxy resins should not be used with polyamide particles in applicant's environment, applicant should produce convincing objective evidence to that effect. MPEP 2145(I).

Lastly, on page 2, applicant argues that the examiner has provided no evidence that coating metal tubing with zinc will provide additional corrosion resistance.

In response thereto, the examiner cites, as of interest, the Takahashi et al patent (US 4,853,297), which teaches that electroplating zinc onto metal pipes improves their

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corrosion resistance. See col. 2, lines 50-54 for the process of plating and the title and abstract of the patent for teachings of corrosion resistance in metal pipes.

In the absence of convincing objective evidence to the contrary, metal pipes are deemed to be similar to metal tubing.

**Conclusion**

Any inquiry concerning this communication should be directed to the Examiner, Sandra M. Nolan, whose telephone number is 571/272-1495. The Examiner can normally be reached on Monday through Thursday, from 6:30 am to 4:00 pm, Eastern Time.

If attempts to reach the Examiner by telephone are unsuccessful, her supervisor, Harold Pyon, can be reached at 571/272-1498. The general fax number for the art unit is 703/872-9306.



S. M. Nolan  
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SMN/smn  
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